



W.P.No.28967 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.28967 of 2015
and M.P.No.1 of 2015

S.Kandasamy

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.
2. The Divisional Engineer,
Highways and Rural Works Department,
Dharmapuri District.
3. The Assistant Divisional Engineer,
Highways and Rural Works Department,
Harur, Dharmapuri District.
4. The Tahsildar,
Harur, Dharmapuri District.
5. The Revenue Divisional Officer,
Harur, Dharmapuri District.
6. The District Collector,
Dharmapuri District.



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7. P.V.Kariyammal

... Respondents

[R7 impleaded vide order dated 09.11.2022 made in WMP.No.28930 of 2022 in W.P.No.28967 of 2015 by NSKJ]

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 5th respondent in Na.Ka.No.1657/2014/A3 dated 28.10.2014 and quash the same and consequently direct the respondents to permit the petitioner's association to replace the statue of Dr.Ambedkar made up for cement concrete with the bronze one available with the petitioner's association.

For Petitioner	: Mr.K.Karl Marx
For Respondents	: Mr.S.Ravichandran Additional Government Pleader [R1 to R6] Mr.S.Sathiachandran [R7]

ORDER

The order dated 28.10.2014 passed by the Revenue Divisional Officer, Harur stating that there was a dispute existing between the petitioner and the seventh respondent regarding the maintenance of the Dr.Ambedkar statue. The Revenue Divisional Officer has passed an order to maintain the statue.



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2. The learned counsel for the petitioner made a submission that the statue is in a bad condition and therefore, they have to replace the statue by installing a new one. However, it is not in dispute that the statue has been erected in a public place and in the middle of the road.

3. As far as the public places are concerned, now the Hon'ble Apex Court has passed an order stating that no permission can be granted for erection of statue or construction of statue or otherwise, which would cause a public inconvenience and will be a hindrance for free flow of traffic. Therefore, the permission as such sought for by the petitioner cannot be granted.

4. However, the petitioner if at all interested in erecting the statue in a private property, then he is at liberty to submit an appropriate application before the competent authority seeking permission for erecting the statue. In other words, the petitioner has to erect the statue in a private place and as far as the public place, public roads are concerned, no permission can be granted and the Hon'ble Apex Court has passed an order to that effect and thus, the relief as such sought for in this writ



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petition cannot be granted. However, the petitioner is at liberty to erect the statue in a private place by getting proper permission from the competent authority.

With this clarification, this writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

12.04.2023

Index : Yes

Speaking order: Yes

Neutral Citation: Yes/No

mp

To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
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Dharmapuri District.
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S.M.SUBRAMANIAM, J.

mp

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